

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

SOPHIA LAMONT, AS ADMINISTRATOR
WITH LIMITED LETTERS OF THE
ESTATE OF FRANK P. LAMONT, JR.

Plaintiff,

STIPULATION OF PARTIAL
SETTLEMENT

Civil Action No. 12-CV-6129

VS.

UNITED STATES OF AMERICA, LEROY
HISTORICAL SOCIETY, THE SAFETY AND
ACCESS CO., INC., IKECO, INC. AND
THYSSENKRUPP ACCESS CORP.,

Defendants.

THYSSENKRUPP ACCESS CORP.,

Third-Party Plaintiff,

V.

GOLDEN BROTHERS, INC., d/b/a
GOLDEN TECHNOLOGIES, INC.

Third-Party Defendant.

WHEREAS, the plaintiff, Sophia Lamont, as Administrator with Limited Letters of the Estate of Frank P. Lamont, Jr., filed a Complaint against the United States of America, Leroy Historical Society, The Safety and Access Co., Inc. and IKECO, Inc. on March 12, 2012 relating to the decedent's fatal fall at the Jell-O Factory Museum in LeRoy, New York, through the back door of an exterior elevator while on his motorized scooter; and

WHEREAS, on June 5, 2012, such complaint was amended by plaintiff, with court approval, to add Thyssenkrupp Access Corp. as defendant; and

WHEREAS, Thyssenkrupp Access Corp. then commenced a third-party action against Golden Brothers, Inc., d/b/a Golden Technologies, Inc.; and

WHEREAS, on September 27, 2012, Judge Michael A. Telesca Ordered the case to mediation with Eric J. Ward, Esq. to serve as Mediator. Such ADR Referral Order and Mediator Designation was subsequently amended by Judge Telesca on November 13, 2012, to extend the deadline for the initial mediation session to occur; and

WHEREAS, the mediation took place over the course of two sessions with telephonic follow-up in between; and

WHEREAS, during the final mediation session, on February 15, 2013, with the assistance of the Mediator, defendants Leroy Historical Society, The Safety and Access Co., Inc., IKECO, Inc., Thyssenkrupp Access Corp. and Golden Brothers, Inc., d/b/a Golden Technologies, Inc. offered plaintiff a collective sum that plaintiff did accept in resolution of her claims against those defendants only, subject to approval by the Surrogate's Court for the State of New York and County of Monroe; and

WHEREAS, plaintiff did not reach a settlement with the United States of America, and as such her claim, against that defendant will continue.

NOW THEREFORE, plaintiff, on the one hand, and defendants, Leroy Historical Society, The Safety and Access Co., Inc., IKECO, Inc., Thyssenkrupp Access Corp. and Golden Brothers, Inc., d/b/a Golden Technologies, Inc. hereby stipulate that all claims between and among them, including all cross-claims and third-party claims, will be dismissed upon (1) approval from the Surrogate's Court for the State of New York and County of Monroe; (2) execution of general releases extinguishing all claims; and (3) payment of the agreed-upon sum, the total and apportionment of which were memorialized in a mediation Settlement Memorandum dated February 15, 2013. Moreover, the undersigned acknowledge that all claims of contribution by the settling parties, and all claims for contribution against the settling parties, including those asserted by the non-settling party,

United States of America, are automatically dismissed pursuant to the New York General Obligations Law §15-108.

This Stipulation of Partial Settlement may be signed in counterparts.

Respectfully submitted,

Dated: March 4, 2013



Deborah M. Field
Attorney for Plaintiff
Sophia Lamont as Administrator

Dated: March , 2013

Keith N. Bond
Attorney for Defendant
LeRoy Historical Society

Dated: March , 2013

Gerard E. O'Connor
Attorney for Defendant
The Safety and Access Co., Inc.

Dated: March , 2013

Matthew K. Pelkey
Attorney for Defendant
IKECO, Inc.

Dated: March , 2013

Thomas K. O'Gara
Attorney for Defendant
ThyssenKrupp Access Corp.

Dated: March , 2013

Michael J. Willett
Attorney for Third-Party Defendant
Golden Brothers, Inc., d/b/a
Golden Technologies, Inc.

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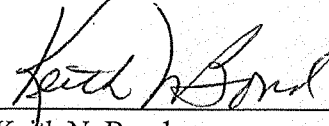
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Deborah M. Field
Attorney for Plaintiff
Sophia Lamont as Administrator

Dated: March , 2013



Kerth N. Bond
Attorney for Defendant
LeRoy Historical Society

Dated: March , 2013

Gerard E. O'Connor
Attorney for Defendant
The Safety and Access Co., Inc.

Dated: March , 2013

Matthew K. Pelkey
Attorney for Defendant
IKECO, Inc.

Dated: March , 2013

Thomas K. O'Gara
Attorney for Defendant
ThyssenKrupp Access Corp.

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Dated: March , 2013

Keith N. Bond
Attorney for Defendant
LeRoy Historical Society

Dated: March 5, 2013


Gerard E. O'Connor
Attorney for Defendant
The Safety and Access Co., Inc.

Dated: March , 2013

Matthew K. Pelkey
Attorney for Defendant
IKECO, Inc.

Dated: March , 2013

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Attorney for Defendant
ThyssenKrupp Access Corp.

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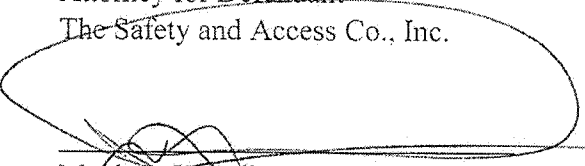
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Keith N. Bond
Attorney for Defendant
LeRoy Historical Society

Dated: March , 2013

Gerard E. O'Connor
Attorney for Defendant
The Safety and Access Co., Inc.

Dated: March 4, 2013



Matthew K. Pelkey
Attorney for Defendant
IKECO, Inc.

Dated: March , 2013

Thomas K. O'Gara
Attorney for Defendant
ThyssenKrupp Access Corp.

Dated: March , 2013

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The Safety and Access Co., Inc.

Dated: March , 2013

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Attorney for Defendant
IKECO, Inc.

Dated: March 7, 2013



Thomas K. O'Gara
Attorney for Defendant
ThyssenKrupp Access Corp.

Dated: March , 2013

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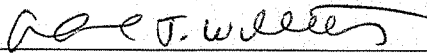
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Matthew K. Pelkey
Attorney for Defendant
IKECO, Inc.

Dated: March , 2013

Thomas K. O'Gara
Attorney for Defendant
ThyssenKrupp Access Corp.

Dated: March 4, 2013


Michael J. Willett
Attorney for Third-Party Defendant
Golden Brothers, Inc., d/b/a
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